

Intellectual Property and Technology Related Causes

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March 28, 2001

VIA OVERNIGHT COURIER

Joseph W. Hammell
Dorsey & Whitney LLP
Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402-1498

Re: U.S. Patent Application Serial No. 09/688,717
Filed: October 16, 2000
Our File No.: STK 98046 PUS

Dear Mr. Hammell:

Enclosed please find a Declaration and an Assignment for the above-mentioned patent application. As per your request, I am sending these documents to you rather than directly to the inventor. You have stated that the inventor, Edward J. Fiore, is currently employed by Cisco Systems, Inc. ("Cisco"). My records indicate that Mr. Fiore's address is as follows:

Edward J. Fiore
7861 151st Lane NW
Ramsey, Minnesota 55303

If this information is incorrect, please let me know.

To the best of my knowledge, Mr. Fiore has not received a copy of the above-mentioned patent application. I will forward a copy of the application to Mr. Fiore by any mutually agreed upon means which guarantee that only the inventor will receive and review the application. Please note, it is imperative that Mr. Fiore maintain as confidential the information contained within the application.



Joseph W. Hammell
March 28, 2001
Page 2

I would like to request that you forward copies of the Declaration and Assignment to Mr. Fiore for signature. If you do not, I will file under 37 C.F.R. § 1.47(a) indicating that Mr. Fiore has refused to sign. If I do not hear from you before **April 7, 2001**, I will assume that Mr. Fiore works for Cisco, that the above address is correct, and that Mr. Fiore refuses to sign the Declaration and Assignment.

I would also like to address several issues you raised in your letter to me dated March 2, 2001. First, you allege that my contacts with these inventors constitutes "serious ethical breaches." At no time and in no manner has my activity breached any cognizable ethical standard. This position is confirmed by the decision of Susan R. Nelson, United States Magistrate Judge, issued March 13, 2001, in which she dismissed your motion to have several attorneys from the law firm of Brooks & Kushman disqualified from litigation between Storage Technology Corporation ("StorageTek") and Cisco. I must respectfully request that you refrain from any further unfounded allegations in the future.

Second, you indicate that I agreed that neither myself nor my colleagues would have any further contact with Cisco employees. I specifically informed you in our telephone conversation of January 19, 2001 that you could not use me as a conduit to pass any requests, demands, or information to any other employee of Brooks & Kushman. I clearly indicated that I have not been involved with any litigation between StorageTek and Cisco. Further, I will not be dragged into any such litigation by forwarding information from you to any of our attorneys. If you wish to discuss any matter relating to litigation with any attorney of Brooks & Kushman, you must contact them directly.

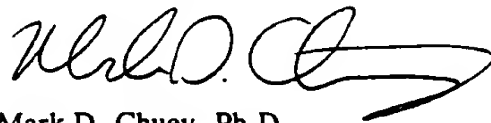
Third you allege that, during our January 19, 2001 telephone conversation, we discussed the contacts other members of Brooks & Kushman may have had with Cisco employees. At no time did I discuss any conduct or activity of any employee of Brooks & Kushman other than me.

Joseph W. Hammell
March 28, 2001
Page 3

Finally, I must request that you communicate with me only in writing. It is apparent from your letter that there is a wide gulf between our understandings of what occurred in the telephone conversation of January 19, 2001.

Very truly yours,

BROOKS & KUSHMAN P.C.

A handwritten signature in black ink, appearing to read 'Mark D. Chuey', with a long, sweeping horizontal stroke extending to the right.

Mark D. Chuey, Ph.D.

MDC/ap
Attachments

bcc: Tom Lewry (w/o encl.)